

DECLARATION, POWER OF ATTORNEY AND PETITION

I, M. Everett Weiser, declare that I am a citizen of The United States of America, that my residence and post office address are 490 Town Hill, York Springs, Pennsylvania, 17372, and that I verily believe myself to be the original, first, and sole inventor or discoverer of the new and distinct variety of

A PEACH TREE NAMED WEISER

described and claimed in the foregoing specification; that I have reviewed and understand the contents of the above identified specification, including the claim, that I have caused the plant to be asexually reproduced in a cultivated area in the vicinity of York Springs, Pennsylvania; that I do not know and do not believe that this invention or discovery was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application; that I acknowledge the duty to disclose information I am aware of which is material to the examination of this application; and no application for patent or inventors certificate on this invention or discovery has been filed by me or my representative or assigns or with my knowledge and consent, in any country foreign to the United States.

And I hereby appoint James A. Lucas, whose address for the purposes hereof is 8522 East Avenue, Mentor, Ohio, 44060, Telephone No. (440) 205-3600, Registration No. 21,081, William N. Hogg, Registration No. 20,156, Patrick J Daugherty, Registration No. 41,697, and Driggs, Lucas, Brubaker & Hogg Co. L.P.A., with full powers of substitution to prosecute this application and to transact all business in the United States Patent and Trademark Office and the United States Courts connected therewith. All correspondence should be directed to James A. Lucas at Driggs, Lucas, Brubaker & Hogg, Co. L.P.A., 8522 East Avenue, Mentor, Ohio 44060

WHEREFORE, I pray that Letters Plant Patent be granted to me for the invention or discovery described and claimed in the foregoing Specification and Claim, Declaration, Power of Attorney and Petition.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Untied State Code, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

Date Oct 8-03

Inventor's signature



M. Everett Weiser
490 Town Hill Road
York Springs, Pennsylvania, 17372